



Department of Justice

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HOGSETT ANNOUNCES CHARGES IN TWO LOCAL IDENTITY THEFT CONSPIRACIES

PRESS RELEASE

INDIANAPOLIS - Joseph H. Hogsett, United States Attorney, held a press conference today announcing that a federal grand jury sitting in Evansville issued indictments on September 28, 2011, charging five defendants in two separate conspiracies involving identity theft. The alleged victims of these two conspiracies include numerous elderly widows and widowers, as well as an active member of the United States military. The case will be prosecuted in Evansville.

"These indictments should serve as a warning that this office has zero tolerance for identity theft," Hogsett said. "If you engage in these criminal activities, if you target those who are vulnerable in our community, we will bring the full force of federal law against you."

The first indictment charges Melvin W. Fagan, 41, and Randy G. McDonald, 44, and Todd A. Burkhardt, 29, with aggravated identity theft, conspiracy to commit access device fraud, and access device fraud. Fagan is charged in a separate count with attempted access device fraud. "Access device fraud," commonly called credit card fraud, involves the illegal use of another's identity to procure or use a credit card in their name. "Aggravated identity theft" refers to the illegal use of another's identity in the course of committing a felony.

This charges resulted from an investigation by the United States Secret Service, the Evansville Police Department, the Indiana State Police, the Hamilton County Sheriff's Department, and the Indiana Department of Corrections.

The indictment alleges that between February 24, 2010 and July 2, 2010, Fagan, McDonald, Burkhardt, and others, conspired together to commit access device fraud using the identity of other persons. While serving a sentence as a prison inmate in the Pendleton, Indiana, Correctional Facility, Fagan is alleged to have obtained one or more cellular telephones without

the knowledge or permission of prison officials. Fagan collected information about elderly persons that had recently died from publicly available sources including newspapers. Fagan then contacted the surviving spouse posing as a representative of the entity that had issued the deceased spouse's credit cards.

During the phone calls Fagan persuaded the surviving spouse to provide him with identifying information and information related to the credit cards of the deceased spouse, claiming that some action had to be taken with respect to the status of the cards. Fagan then contacted the entity that issued the credit cards using the information he obtained from the surviving spouse and made changes to the credit card accounts, including adding authorized card users and securing pre-approval of large purchases.

Further, the indictment alleges that McDonald and Burkhardt purchased valuable goods including lawn mowers and televisions using the fraudulently acquired credit card information and card holder information provided to them by Fagan. The valuable goods were sold after the purchases were made. McDonald and Burkhardt then allegedly caused proceeds from the sale of the goods to be distributed to themselves, Fagan, and other participants in the conspiracy.

According to Assistant U.S. Attorney Todd S. Shellenbarger, who is prosecuting the case for the government, Fagan, McDonald and Burkhardt, face a maximum of 10 years in prison and a \$250,000 fine. An initial hearing will be scheduled in Evansville before a U.S. Magistrate Judge.

The second indictment charges Todd M. Holt, 40, and Wendy L. Westerfield, 32, both of Evansville, with aggravated identity theft, conspiracy to commit bank fraud, and conspiracy to commit access device fraud. This indictment resulted from an investigation by the Evansville Police Department, the Federal Bureau of Investigation, and the Vanderburgh County Prosecutor's Office.

The indictment identifies the victim of the identity theft as a person serving on active duty in the United States military, and alleges that on or about August 5, 2011, Holt and Westerfield used the identity of another person to apply for and receive credit cards from three (3) different merchants in the Evansville area. According to the indictment, Holt and Westerfield then used the cards to make purchases totaling \$5,472.

According to Assistant U.S. Attorney Todd S. Shellenbarger, who is prosecuting the case for the government, Holt and Westerfield face a maximum of 30 years in prison and a \$250,000 fine. An initial hearing will be scheduled in Evansville before a U.S. Magistrate Judge.

These indictments are only a charge and are not evidence of guilt. All defendants are presumed innocent and are entitled to a fair trial at which the government must prove guilt beyond a reasonable doubt.

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